



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 24, 1998

Mr. Kevin B. Laughlin
City Attorney
The City of Kerrville
800 Junction Highway
Kerrville, Texas 78028-5069

OR98-1522

Dear Mr. Laughlin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115972.

The City of Kerrville (the "city") received a request for various documents and information. You indicate that you have provided many of the documents requested and also claim that some of the information requested does not exist. Additionally, you assert that the *remaining requested information is excepted from disclosure under sections 552.027 and 552.103 of the Government Code*. We have considered the exceptions you claim and reviewed your arguments.

Although you state that you have provided such to the requestor, all of the documents requested by the requestor in this instance except the city charter and the city's code of ordinances can be found in commercially available books and publications. Additionally you indicate that you have provided the requestor with a copy of your law license. However, you contend that as the statutes and regulations of Texas, as well as the city's code and charter, are publications that are available for purchase by the public and readily available to the requestor, you are not required to provide the information to the requestor. You also assert that to the extent that the request requires research the city need not comply with the request. The city invokes section 552.027 of the Government Code.

Section 552.027 of the Government Code provides:

(a) A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the

governmental body for research purposes if the book or publication is commercially available to the public.

(b) Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information.

(c) A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body.

This section is designed to alleviate the burden of providing copies of commercially available books, publications, and resource materials maintained by governmental bodies, such as telephone directories, dictionaries, encyclopedias, statutes, and periodicals. Open Records Letter No. 96-0251 (1996). The legislative history of this provision notes that section 552.002 should exclude from the definition of public information

books and other materials that are also available as research tools elsewhere to any member of the public. Thus, although *public library books* are available for public use, the library staff will not be required to do research or make copies of books for members of the public.

INTERIM REPORT TO THE 74TH LEGISLATURE OF THE HOUSE STATE AFFAIRS COMM., 74th Leg., R.S., SUBCOMMITTEE ON OPEN RECORDS REVISIONS 9 (1994) (emphasis added). Therefore, section 552.027 excludes commercially available research material from the definition of "public information." "Public information," however, as defined by section 552.002, must be produced for inspection or duplication or both, Gov't Code § 552.221, unless an applicable subchapter C exception applies to the information, *id.* §§ 552.101-.124; *see* Open Records Decision Nos. 565 (1990), 549 (1990), 470 (1987).

Although you have released the more general statutes and city regulations, we have reviewed the information submitted for our consideration. The information consists of statutes and other generally available regulatory information. We agree that the requested information comes within the ambit of "a commercial book or publication purchased or acquired by the governmental body for research purposes," although, we note that section 552.027(c) of the Government Code provides that a governmental body must allow public access to "information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy" of the governmental body.

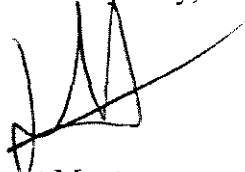
Next, we address your assertion that a portion of the request requires the city to perform legal research. The Open Records Act does not require a governmental body to answer factual questions or perform legal research. Open Records Decision Nos. 561 (1990),

555 (1990), 379 (1983), 347 (1982). However, a governmental body does have a duty to make a good faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990) at 8. If the governmental body holds information from which the requested information can be obtained, it must provide that information to the requestor unless it is otherwise excepted from disclosure. Open Records Decision Nos. 561 (1990), 555 (1990), 379 (1983), 347 (1982).

In conclusion, we have reviewed the request submitted for our consideration and conclude that as the city has provided particular state and city regulations, as well as access to state and city regulations, it need not provide any further information to the requestor.¹ Additionally, the city need not engage in legal research in order to comply with the request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet Monteros
Assistant Attorney General
Open Records Division

JIM/nc

Ref.: ID# 115972

Enclosures: Submitted documents

cc: Mr. Jerre Graham Kneip
316 Stone Ridge Drive
Kerrville, Texas 78028
(w/o enclosures)

¹As we address the issues under other provisions of the Open Records Act, we need not address the section 552.103 exception in the instant case.